

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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LON ALLEN CLARK,

Case No. 2:21-cv-00173-RFB-DJA

Plaintiff,

V.

CORY MCCORMICK, et al.,

Defendants.

ORDER

Before the Court are Plaintiff Lon Allen Clark's motions to request instructions for serving
ons (ECF No. 15), to change address (ECF No. 16), and for a copy of the complaint (ECF
3). Plaintiff is a detainee proceeding *in forma pauperis*. After receiving leave to proceed on
cessive force claims against Defendants McCormick, the Las Vegas Metropolitan Police
tment, and the City of Las Vegas (ECF No. 10), Plaintiff filed the instant motions. Because
ff appears to have misunderstood prior instructions for serving summons, the Court grants
tion for instructions (ECF No. 15). Plaintiff's motion to change his address does not explain
he proposed address will ensure proper service and the Court cannot provide Plaintiff with
. Plaintiff's motions to change address (ECF No. 16) and for a copy of the complaint (ECF
3) are thus denied. The Court finds these matters properly resolved without a hearing. LR

I. Background.

Plaintiff received leave to proceed on his excessive force claims on March 25, 2021 (ECF No. 10). Plaintiff had 30 days to furnish the U.S. Marshal with USM-285 forms and 90 days to accomplish service. (ECF No. 10). Plaintiff missed the 30-day deadline and, before the 90-day deadline had passed, filed his motion to request instructions for serving the summons. (ECF No.

1 15). Plaintiff filed his motion to change address (ECF No. 16) the same day as his motion for
2 instructions. A few days later, Plaintiff filed his motion for a copy of the complaint (ECF No. 18).

3 **II. Discussion.**

4 **A. *The Court grants Plaintiff's motion for instructions.***

5 Plaintiff's motion for instructions is granted. Plaintiff requests that the Clerk's Office send
6 him instructions at his expense on "Summons [sic] Service." Following the mandate to liberally
7 construe pro se pleadings, the Court notes that Plaintiff appears to have misunderstood the Court's
8 prior instructions ordering the Plaintiff to send his USM-285 forms to the U.S. Marshal (ECF No.
9 10). *See Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990); *see Blaisdell v.*
10 *Frappiea*, 729 F.3d 1237, 1241 (9th Cir. 2013). Although Plaintiff missed the deadline to send his
11 USM-285 forms, he filed his request for instructions before the deadline to complete service. This
12 is also Plaintiff's first missed deadline.

13 The Court thus grants Plaintiff's motions for instructions by reiterating the instructions in
14 its prior order (ECF No. 10) and providing Plaintiff with additional time to complete service under
15 Federal Rule of Civil Procedure 4(m). The Clerk's Office shall send Plaintiff six USM-285 forms.
16 Plaintiff is instructed to complete one USM-285 form for each named defendant after which
17 Plaintiff has 30 days from the date of this Order to mail his completed forms to the U.S. Marshal at
18 333 Las Vegas Boulevard South, Suite 2058, Las Vegas, NV 89101. The U.S. Marshal will then
19 effectuate service under Federal Rule of Civil Procedure 4(c)(3). Plaintiff is advised to closely
20 follow deadlines and procedures in the future.

21 **B. *The Court denies Plaintiff's motion to change his address.***

22 Plaintiff's motion to change address is denied. In his motion, it appears Plaintiff seeks to
23 change his address to his home address because his mail is "being tampered with." (ECF No. 16).
24 Based on Plaintiff's filings, it appears that Plaintiff is currently housed at the Clark County
25 Detention Center (CCDC), making it his "last known address" for the purposes of service by mail.
26 *See Fed. R. Civ. P. 5(b)(2)(C).* To the extent Plaintiff requests service under Federal Rule of Civil
27 Procedure 5(b)(2)(B)—by leaving documents at his home with someone of suitable age and
28 discretion—he has not explained whether someone capable of receiving service and transmitting

1 documents to him lives at the address he has provided. And even then, whether the address he
2 provided is his “usual place of abode” is questionable given his current detained status. However,
3 the Court need not reach that question because Plaintiff has not provided enough information in his
4 request to explain why his new address should be the one in his motion rather than CCDC.
5 Plaintiff’s motion to change address (ECF No. 16) is denied.

6 **C. *The Court denies Plaintiff’s motion for a copy of the complaint.***

7 Plaintiff’s motion for copies is denied. Plaintiff’s motion for a copy of the complaint
8 appears to ask for a copy of each of the documents filed in his case. (ECF No. 18). Plaintiff adds
9 that he is requesting the copies at his own expense. The Court is not responsible for providing
10 copies of court filings to litigants. *See* 28 U.S.C. § 1915. There is a per page charge for copy work
11 of \$.10 per page for copies produced in an electronic format (CM/ECF) and \$.50 for copies
12 produced in a physical format. The Court cannot provide copies or mailing service for parties, even
13 indigent plaintiffs proceeding *in forma pauperis*. If Plaintiff would like copies of items on the
14 docket, he must fill out the appropriate paperwork and pay for them.

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1 **IT IS THEREFORE ORDERED** that Plaintiff's motion to request instructions for serving
2 summons (ECF No. 15) is **granted**.

3 **IT IS FURTHER ORDERED** that:

- 4 1. The Clerk's Office shall SEND 6 USM-285 forms to Plaintiff.
5 2. Plaintiff must complete one USM-285 form for each named defendant.
6 3. Plaintiff has 30 days from the date of this Order to send his completed forms to the U.S.
7 Marshal at 333 Las Vegas Boulevard South, Suite 2058, Las Vegas, NV 89101.
8 4. Under Rule 4(m) of the Federal Rules of Civil Procedure, service must be accomplished
9 within 90 days from the date of this Order.

10 **IT IS FURTHER ORDERED** that Plaintiff's motion to change address (ECF No. 16) is
11 **denied**.

12 **IT IS FURTHER ORDERED** that Plaintiff's motion for a copy of the complaint (ECF
13 No. 18) is **denied**.

14 DATED: June 25, 2021



15 DANIEL J. ALBREGTS
16 UNITED STATES MAGISTRATE JUDGE

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